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Attorneys for Defendant and Counterclaimant Frito-
Lay North America, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TELECONFERENCE SYSTEMS, LLC,

Plaintiff,

v.

AT&T CORP. ET AL.,

Defendants.

No. C 10-05740 JSW

**JOINT STIPULATION AND
PROPOSED ORDER REGARDING
EARLY SETTLEMENT
CONFERENCE; ORDER OF REFERRAL
TO MAGISTRATE JUDGE
Hon. Jeffrey S. White**

1 WHEREFORE, pursuant to Civil L.R. 16-8(c) and ADR L.R. 3-5(c), counsel met
2 and conferred regarding ADR and filed a Notice of Need for ADR Phone Conference;

3 WHEREFORE, the parties believe that an early settlement conference before Hon.
4 Magistrate Judge Joseph C. Spero is likely to be the most productive vehicle for ADR and the
5 complexity and character of this litigation make it especially well suited for such an ADR option;

6 WHEREFORE, Magistrate Judge Spero is conducting early settlement
7 proceedings in the matters *Cisco Systems Inc. v. Teleconference Systems, LLC et al.*, Case No.
8 3:09-cv-01550-JSW (the "Cisco Action") and *Teleconference Systems, LLC v. Tandberg, Inc. et*
9 *al.*, Case No. C 3:10-cv-01325 JSW (the "Tandberg Action") also currently pending before this
10 Court, and relating to Teleconference Systems, LLC's ("TS") allegations of infringement of the
11 same patent at issue in this matter—United States Patent No. 6,980,526 (the "'526 patent") —
12 against Cisco Systems Inc. and its customers;

13 WHEREFORE, on January 18, 2011, this Court Ordered that the Cisco Action and
14 the present case be related and assigned to this Court, and at issue in both cases are allegations by
15 the same party that each of the other parties has infringed the same '526 patent based on the
16 activities with respect to the same accused Cisco TelePresence products;

17 WHEREFORE, Plaintiff TS and Defendant Frito-Lay North America, Inc. in this
18 case are represented by the same counsel as are appearing in the Cisco Action and Tandberg
19 Action;

20 WHEREFORE, the parties seek the Court's approval and referral for such a
21 conference with Magistrate Judge Spero to take place concurrently with the early settlement
22 proceedings in the Cisco Action and Tandberg Action.

23 NOW THEREFORE IT IS HEREBY STIPULATED BETWEEN THE PARTIES
24 that, subject to the Court's approval, the parties will agree to participate in an early settlement
25 conference before Magistrate Judge Spero, to take place concurrently with the early settlement
26 proceedings in the Cisco Action and Tandberg Action.

1
2
3 Dated: March 25, 2011

WEIL, GOTSHAL & MANGES LLP

4 By: /s/ Edward R. Reines

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17
18 Dated: March 25, 2011

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JOINT STIPULATION AND [PROPOSED]
ORDER REGARDING EARLY SETTLEMENT
CONFERENCE

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Dated: March 25, 2011

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FILER'S ATTESTATION

I, Edward R. Reines, am the ECF User whose ID and password is being used to file this joint stipulation. In compliance with General Order 45, paragraph X.B., I hereby attest that Kurt M. Pankratz with Baker Botts L.L.P. and Timothy E. Grochocinski with The Simon Law Firm, P.C. have concurred in this filing.

Dated: March 25, 2011

WEIL, GOTSHAL & MANGES LLP

By: /s/ Edward R. Reines

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Frito-Lay North America, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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No. C 10-05740 JSW

**[PROPOSED] ORDER REGARDING
EARLY SETTLEMENT
CONFERENCE : REFERRAL TO
MAGISTRATE JUDGE
Hon. Jeffrey S. White**

Pursuant to the Stipulation above, the captioned matter is hereby referred to an early settlement conference before Magistrate Judge Joseph C. Spero, to take place concurrently with the early settlement proceedings in *Cisco Systems Inc. v. Teleconference Systems, LLC et al.*, Case No. 3:09-cv-01550-JSW and *Teleconference Systems, LLC v. Tandberg, Inc. et al.*, Case No. C 3:10-cv-01325 JSW.

IT IS SO ORDERED.

DATED: March 28, 2011



JEFFREY S. WHITE

UNITED STATES DISTRICT JUDGE

[PROPOSED] ORDER REGARDING EARLY
SETTLEMENT CONFERENCE